



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HIA

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,848	01/02/2001	Jeong-hoon Park	Q62028	9288

7590 01/11/2008
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
----------	--------------

2619

MAIL DATE	DELIVERY MODE
-----------	---------------

01/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/751,848	PARK ET AL.	
	Examiner	Art Unit	
	Andrew C. Lee	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER; FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 October 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,5-33 and 36-59 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-2,5-33,36-59 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/ are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 - 2, 5 - 33, 36 - 59 are pending.
Claims 3 – 4, 34 – 35 had been canceled.
2. Rejections of Claims 1, 2, 5 – 28, 32, 33, 36 – 59 under 35 U.S.C. 101 for non-statutory subject matter maintain.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 32, 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claimed subject matter “a tangible computer-readable recording medium” as disclosed in claims 32 and 33 which would not recognize the description of this limitation in the disclosure of the application as original filed. There does not appear to be an explicit written description of the claim limitation ‘a tangible computer-readable recording medium’ in the application as filed. Examiner could not find and identify the amended limitation in the disclosure and the applicant(s) also does not point out where and/or how the originally filed disclosure supports the amendment(s).

5. Additionally, claims 36 – 59 are rejected under 35 U.S.C. 112 first paragraph since the claims are dependent upon independent claims 32, 33, respectively.
6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 32, 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 32, 33 appear to be an apparatus or device (i.e. computer-readable recording medium), however, the claims have method steps being executed by a computer program. The claimed apparatus taken a whole appear to a computer program. Therefore, it is not clear what is being claimed by the applicant is it the “apparatus”, or “a computer program”, or “a method”.
8. Additionally, claims 36 – 59 are rejected under 35 U.S.C. 112 second paragraph since the claims are dependent upon independent claims 32, 33, respectively.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 32, 33, 36 – 59, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 32, 33, according to page 53 of Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility "A tangible computer-readable recording medium in which a computer program for performing a method of transmitting a bit stream in a communication network is stored", claims 32 and 33 are non-statutory subject matters because the claims 32, 32 do not have "the claimed computer-readable medium encoded with a computer program (or computer executable instructions or instructions capable of being executed by a computer).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 2, 5 – 28, 32, 36 – 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig (US 6,697,352 B1) and Sutoh (US 6678770 B1) in view of Zhu (US 6,154,780).

Regarding Claims 1, 2, 32, 33, Ludwig discloses of a method, a tangible computer-readable recording medium of transmitting a bit stream in a communication network (recited "generating data packets (as a bit stream) to be sent out having a first data structure determined by a first predetermined protocol" correlates to a method of

transmitting a bit stream in a communication network; column 5, lines 26 – 36), the method comprising: (b) adding a header from each communication protocol layer to a payload while transmitting the bit stream coded in the step of to each communication protocol layer (recited “passing data through the layers” correlates to adding a header from each communication protocol layer to a payload; Fig 5, column 2, lines 10 – 33, column 17, lines 4 – 15); and, wherein in operation (c), a bit stream, to which header information has been added by undergoing each communication protocol layer (recited “passing data through the layers” correlates to header information has been added by undergoing each communication protocol layer; Fig 5, column 2, lines 10 – 33, column 17, lines 4 – 15) is transmitted in an unacknowledged mode protocol (recited “no unacknowledged numbered mode packets is allowed to be outstanding” correlates to a bit stream is transmitted in an unacknowledged mode protocol; column 15, lines 50 – 56), and only the header information in the bit stream is transmitted in an acknowledged mode protocol (recited “by means of acknowledgement messages” correlates to header information in the bit stream is transmitted in an acknowledged mode protocol; column 4, lines 13 – 22, Fig. 5, column 14, lines 66 – 67).

Ludwig does not disclose only the header information in the bit stream is separately transmitted in acknowledged mode protocol.

Sutoh disclose the limitation of only the header information in the bit stream is separately transmitted in acknowledged mode protocol (“can transmit the protocol header and data as separate blocks” correlates to only the header information in the bit stream is separately transmitted; Fig. 19, column 13, lines 50 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludwig to include only the header information in the bit stream is separately transmitted in acknowledged mode protocol such as that taught by Sutoh in order to provide a control system for the peripheral component interconnect bus as suggested by Sutoh (see column 1, lines 9 – 11).

Both Ludwig and Sutoh do not disclose explicitly (a) coding source data into the bit stream using a predetermined type of coding.

Zhu discloses the limitation of (a) coding source data into the bit stream using a predetermined type of coding (column 1, lines 33-34 — using H.263 representing a picture in an encoded video bitstream). Therefore, it would have been obvious to modify both Ludwig and Sutoh to include coding source data into the bit stream using a predetermined type of coding as that taught by Zhu in order to create a flexible bitstream that may be efficiently packetized for a variety of transport protocols (as suggested by Zhu, see column 3, lines 26 – 27).

Regarding claims 5, 6, 36, 37, Ludwig discloses when the number of times of re-transmission of a bit stream transmitted in an acknowledged mode protocol is equal to or less than a predetermined number of times, the bit stream, which has been transmitted in an unacknowledged mode protocol, is transmitted in an acknowledged mode protocol (recited “moving up to next protocol layer for a predetermined number of times, where the exceeding of said predetermined numbers of times leads to a default mode” as the number of times of re-transmission of a bit stream transmitted in an acknowledged mode

protocol is equal to or less than a predetermined number of times; column 12, lines 41 – 50).

Regarding claims 7, 8, 9, 38, 39, 40, Ludwig discloses the header information in the bit stream be simultaneously transmitted in an acknowledged mode protocol with the bit stream (column 14, lines 66-67). He also teaches that the header information in the bit stream is simultaneously transmitted in an acknowledged mode protocol with the payload (column 15, lines 6-12). And the header information in the bit stream is simultaneously transmitted in the unacknowledged mode protocol with the bit stream (column 14, lines 62-64).

Regarding claims 10, 41, Ludwig discloses that as a transmission error occurs, the bit stream, to which headers have been added by undergoing each communication protocol layer, is re-transmitted in an acknowledged or unacknowledged mode protocol (recited “protocol provides a numbered reliability mode and an unnumbered reliability mode” as each communication protocol layer, is re-transmitted in an acknowledged or unacknowledged mode protocol; column 11, lines 48-57).

Regarding Claims 11, 12, 13, 14, 15, 16, 42, 43, 44, 45, 46, 47, Ludwig teaches the acknowledged mode protocol being a transmission control protocol (TCP), and the unacknowledged mode protocol being a user datagram protocol (UDP) (recited “by means of acknowledgement messages” as header information in the bit stream is transmitted in

an acknowledged mode protocol; column 4, lines 13 – 22, Fig. 5, column 14, lines 66 – 67, Column 6, lines 24-26; lines 35-37; column 11, lines 48-57, Fig 9a and 9b).

Regarding Claims 17, 18, 19, 20, 21, 22, 23, 24 and 48, 49, 50, 51, 52, 53, 54, 55, Ludwig discloses the limitations of the acknowledged mode retransmitting Internet Protocol (IP) or Radio Link Protocol (RLP) packets (recited “acknowledgment packages” as acknowledged mode retransmitting; Column 11, lines 50-57; recited “RLP packets of the numbered mode that are to be retransmitted” as Radio Link Protocol (RLP); column 13, lines 60-63).

Regarding Claims 25, 26, 56, 57 Ludwig discloses the limitations of the headers are a payload header, a real time protocol (RTP) header, a user datagram protocol (UDP) or transmission control protocol (TCP) header, an Internet protocol (IP) header, a radio link protocol (RLP) header, and a layer 2 (L2) header, which are added after a bit stream is passed through each layer (column 6, lines 15-26, Fig.5 and Fig.6)

Regarding claims 27, 28 and 58, 59, Ludwig discloses the payload includes multimedia data (recited “real-time data streams” as payload includes multimedia data; column 6, lines 60-65; column 17, lines 18-19).

Regarding Claim 29, Ludwig discloses adding the header of each communication protocol layer to a payload while transmitting the bit stream encoded by the encoder to each communication protocol layer (recited “passing data through the layers” as adding the header of each communication protocol layer to a payload; Fig. 5, column 2, lines 10 –

32); and a packet processing unit for transmitting the bit stream processed by the protocol processing unit in an unacknowledged mode protocol (column 6, lines 25 – 26; lines 34 – 37) and transmitting the header information in an unacknowledged or acknowledged mode protocol (Fig 5, column 6, lines 26 – 27; column 12, lines 33 – 34).

Both Ludwig and Sutoh do not disclose an encoder for encoding source data into a bit stream.

Zhu teaches an encoder for encoding source data into a bit stream (recited " an encoder/decoder (codec) as an encoder for encoding source data; column 6, lines 10-14, Fig 5; lines 5-9). Therefore, it would have been obvious to modify Both Ludwig and Sutoh to include an encoder for encoding source data into a bit stream such as that taught by Zhu in order to create a flexible bitstream that may be efficiently packetized for a variety of transport protocols as suggested by Zhu (see column 3, lines 26 – 27).

Regarding Claims 30 and 31, Ludwig disclose the system for relaying and receiving a bit stream in a communication network (Fig 6), the system comprising an extractor for separately extracting payloads and header information, which corresponds to the header of each layer (Fig. 8; column 9, lines 61 – 65), while transmitting a bit stream received in a separate transmission protocol in the communication network to each layer (column 10, lines 33 – 36); an error determination processing unit for determining whether the header information extracted by the extractor has error (column 10, lines 20-27, column 16, lines 24 – 34); a bit stream re-organizing unit for re-organizing a bit stream using the header information extracted by the extractor; and a decoder for decoding a bit stream re-organized by the bit stream re-organizing unit (column 14, lines 46-51). He also teaches

the system having the error determination processing unit also requests re-transmission if it is determined that the header information has error (column 13, lines 2-7), an extractor for separately extracting payloads and header information, which corresponds to the header of each layer (column 9, lines 61-65), while transmitting a bit stream received in a separate transmission protocol in the communication network to each layer (column 10, lines 33-36); wherein only the header information in the bit stream is transmitted in an acknowledged mode protocol (recited “by means of acknowledgement messages” correlates to header information in the bit stream is transmitted in an acknowledged mode protocol; column 4, lines 13 – 22, Fig. 5, column 14, lines 66 – 67).

However, Ludwig et al. do not disclose receiving a bit stream and a header information received in an acknowledged or unacknowledged mode protocol in the communication network to each layer.

Sutoh teaches receiving a bit stream and a header information received in an acknowledged or unacknowledged mode protocol in the communication network to each layer (“can transmit the protocol header and data as separate blocks” correlates to receiving a bit stream and a header information received in an acknowledged or unacknowledged mode protocol in the communication network to each layer; Fig. 19, column 13, lines 50 – 67, column 14, lines 1 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludwig to include receiving a bit stream and a header information received in an acknowledged or unacknowledged mode protocol in the communication network to each layer as taught by Sutoh in order to provide a control

system for the peripheral component interconnect bus as suggested by Sutoh (see column 1, lines 9 – 11).

Response to Arguments

13. Applicant's arguments filed on 10/24/2007 with respect to claims 1 - 2, 5 - 33, 36 - 59 have been fully considered but they are not persuasive.

Regarding claims 1, 2, 32, 33, Applicant argues the reference Ludwig does not mention specifically transmitting payload and header information in either acknowledged or unacknowledged modes, as recited in the claims. Ludwig discloses the TCP packets are transmitted only in numbered channels, and UDP packets are transmitted only unnumbered channels. Examiner respectfully disagrees. Examiner contends the reference Ludwig discloses implicitly transmitting payload and header information in acknowledged or unacknowledged modes (see column 2, lines 10 – 20; column 7, lines 46 – 50; column 11, lines 51 – 56). According to applicant's claims 11, 12, 13, 14, 15, 16, 42, 43, 44, 45, 46, 47, acknowledged mode protocol is a transmission control protocol (TCP), and the unacknowledged mode protocol is a user datagram protocol (UDP). The limitation cited by the reference Ludwig is valid.

Regarding claims 29, applicant argues the reference Ludwig or Zhu of transmitting the bit stream in an unacknowledged mode protocol, and transmitting the header information in an unacknowledged or acknowledged mode protocol. Examiner contends the reference Ludwig discloses implicitly the reference Ludwig of transmitting the bit stream in an unacknowledged mode protocol, and transmitting the header information in

an unacknowledged or acknowledged mode protocol (see column 2, lines 10 – 20; column 7, lines 46 – 50; column 11, lines 51 – 56).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Le (US 6466585 B1) disclose an apparatus, and associated method, converts real-time multimedia information generated pursuant to an RTP protocol into a form amenable for transmission upon a radio channel, such as a radio channel defined in a cellular communication system.
- Jonsson et al. (US 6700888 B1) disclose in packet communication paths that include header compression, header fields of packets to be communicated are altered. The alteration of the header fields does not disturb their functionality, and is transparent to the header compression scheme of the packet communication path.
- Le (US 6680955 B1) disclose a timer based header compression/decompression technique and timer and reference based technique are provided. A source generates a header field, such as an RTP time stamp.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C. Lee/::<1/6/2008>



HASSAN KIZON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600